

"EVIDENTIARY HEARING REQUESTED"AO 241
(Rev. 06/13)

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PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

United States District Court		District: New Jersey
Name (under which you were convicted): Marvin Mathis		Docket or Case No.:
Place of Confinement: New Jersey State Prison, P.O. Box 861, Trenton, New Jersey 08625		Prisoner No.: #304144/244859-C
Petitioner (include the name under which you were convicted) Marvin Mathis		Respondent (authorized person having custody of petitioner) v. Stephen D'illo, Administor New Jersey State Prison
The Attorney General of the State of New Jersey		

PETITION

1. (a) Name and location of court that entered the judgment of conviction you are challenging:

Superior Court of New Jersey, Law Division, Union County
2 Broad Street
Elizabeth, New Jersey 07207

(b) Criminal docket or case number (if you know): 97-02-123

2. (a) Date of the judgment of conviction (if you know):
- ~~June 18, 1998~~
- August 14, 1998**

(b) Date of sentencing: August 14, 1998

3. Length of sentence: A term of 50 years with 30 year of parole ineligibility

4. In this case, were you convicted on more than one count or of more than one crime?
- ☒
- Yes
- ☐
- No

5. Identify all crimes of which you were convicted and sentenced in this case:

First degree Murder, N.J.S.A. 2C:11-3a(1); first degree Robbery, N.J.S.A. 2C:15-1; first degree Felony Murder, N.J.S.A. 2C:11-3(a)(3); second degree, possession of a weapon for an unlawful purpose, N.J.S.A. 2C:39-4a; three degree unlawful possession of a weapon, N.J.S.A. 2C:39-5b.

6. (a) What was your plea? (Check one)

~~xxx~~ ☒ (1) Not guilty ☐ (3) Nolo contendere (no contest)
☐ (2) Guilty ☐ (4) Insanity plea

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(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to?

N/A

(c) If you went to trial, what kind of trial did you have? (Check one)

☒ Jury ☐ Judge only

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

☒ Yes ☐ No

8. Did you appeal from the judgment of conviction?

☒ Yes ☐ No

9. If you did appeal, answer the following:

(a) Name of court: **Superior Court of New Jersey, Appellate Division**

(b) Docket or case number (if you know): **A-3316-98T4**

(c) Result: **Affirmed**

(d) Date of result (if you know): **June 02, 2000**

(e) Citation to the case (if you know):

(f) Grounds raised:

Point I THE DECISION OF THE FAMILY PART JUDGE TO WAIVE JUVENILE JURISDICTION OVER MARVIN MATHIS CONSTITUTED A CLEAR ERROR OF JUDGMENT AND SHOULD BE REVERSED; Point II DEFENDANT'S CONVICTION MUST BE REVERSED DUE TO THE IMPROPER ADMISSION OF HEARSAY EVIDENCE THAT HIS GIRLFRIEND WAS ACCOSTED ON THE STREET BY A MAN WHO TOLD HER THAT DEFENDANT HAD KILLED SOMEONE. SUCH EVIDENCE VIOLATED DEFENDANT'S FEDERAL AND STATE CONSTITUTIONAL RIGHTS TO CONFRONTATION U.S. Const., AMENDS IV and XIV; N.J. CONST., (1947), ART I, PAR 10; Point III DEFENDANT'S CONVICTION MUST BE REVERSED DUE TO ACTS OF PROSECUTORIAL MISCONDUCT, WHICH INCLUDED REFERRED TO DEFENDANT AS A THUG AND COMMENTING ON FACTORS OUTSIDE OF THE RECORD; Point IV THE BASE TERM OF FIFTY YEARS IMPRISONMENT IS EXCESSIVE AND SHOULD BE MODIFIED BY THIS COURT.

(g) Did you seek further review by a higher state court? ☒ Yes ☐ No

If yes, answer the following:

(1) Name of court: **Supreme Court of New Jersey**

(2) Docket or case number (if you know): **49,922**

(3) Result: **Certification denied**

(4) Date of result (if you know): **October 10, 2000**

(5) Citation to the case (if you know):

(6) Grounds raised:

Appellate Division erred in affirming the defendant's convictions and sentence.

(h) Did you file a petition for certiorari in the United States Supreme Court?

☐ Yes ☒ No

If yes, answer the following:

(1) Docket or case number (if you know):

(2) Result:

(3) Date of result (if you know):

(4) Citation to the case (if you know):

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court? ☒ Yes ☐ No

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: **Superior Court of New Jersey, Union County**

(2) Docket or case number (if you know): **97-02-123**

(3) Date of filing (if you know): **May 01, 2001**

(4) Nature of the proceeding: **Petition for Post-Conviction Relief**

(5) Grounds raised:

PLEASE SEE ATTACHED ADDENDUM

Pages 1, 2, & 3

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☒ No

(7) Result: **Petition denied without an evidentiary hearing**

(8) Date of result (if you know): **January 27, 2012**

(b) If you filed any second petition, application, or motion, give the same information:

- (1) Name of court: **Superior Court of New Jersey, Appellate Division**
- (2) Docket or case number (if you know): **A-3222-11T1**
- (3) Date of filing (if you know): **March 12, 2012**
- (4) Nature of the proceeding: **Appealing denial of Petition for Post-Conviction Relief**
- (5) Grounds raised:

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(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☒ No

(7) Result: ~~XXXXXXXXXXXX~~ **Denied.**

(8) Date of result (if you know): **August 01, 2014**

(c) If you filed any third petition, application, or motion, give the same information:

- (1) Name of court: **Supreme Court of New Jersey**
- (2) Docket or case number (if you know): **074842**
- (3) Date of filing (if you know): **August 13, 2014**
- (4) Nature of the proceeding: **Petition for certification**
- (5) Grounds raised:
pro se supplemental petition for certification

Point I THE PCR COURT ERRED IN DENYING PETITIONER AN EVIDENTIARY HEARING EVEN THOUGH PETITIONER PRESENTED A PRIMA FACIE CASE OF INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL

POINT II THE APPELLATE DIVISION ERRED BY AFFIRMING THE PCR COURT'S DENIAL OF PETITIONER'S REQUEST FOR A FULL EVIDENTIARY HEARING

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☒ No

(7) Result: **Denied**

(8) Date of result (if you know): **February 03, 2015**

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: ☒ Yes ☐ No

(2) Second petition: ☐ Yes ☐ No

(3) Third petition: ☐ Yes ☐ No

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

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(b) If you did not exhaust your state remedies on Ground One, explain why:

(c) **Direct Appeal of Ground One:**

- (1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☒ No
- (2) If you did not raise this issue in your direct appeal, explain why:

Issue was not suitable for Direct Appeal, only for Petition for Post-Conviction Relief.

(d) **Post-Conviction Proceedings:**

- (1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?
- ☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: **Petition for Post-Conviction Relief**

Name and location of the court where the motion or petition was filed:

**Superior Court of New Jersey, Law Division, Union County
2 Broad Street, Elizabeth, New Jersey 07207**

Docket or case number (if you know): **97-02-123**

Date of the court's decision: **January 27, 2012**

Result (attach a copy of the court's opinion or order, if available): **Denied. A copy of the order denying petition for post-conviction relief is attached hereto as Appendix "A"**

- (3) Did you receive a hearing on your motion or petition? ☐ Yes ☒ No
- (4) Did you appeal from the denial of your motion or petition? ☒ Yes ☐ No
- (5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☒ Yes ☐ No
- (6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Superior Court of New Jersey - Appellate Division

Docket or case number (if you know): **A-3222-11T1**

Date of the court's decision: **August 01, 2014**

Result (attach a copy of the court's opinion or order, if available): **Denied. A copy of the Appellate Division's opinion is attached hereto as Appendix "B"**

- (7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One:

Issues were fully exhausted on Petition for Post-Conviction Relief, Direct Appeal PCR and the Supreme Court of New Jersey.

GROUND TWO:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

PLEASE SEE ATTACHED ADDENDUM

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(b) If you did not exhaust your state remedies on Ground Two, explain why:

(c) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☒ No

(2) If you did not raise this issue in your direct appeal, explain why:

Issue was not suitable for Direct Appeal, only for Petition for Post-Conviction Relief.

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Petition for Post-Conviction Relief

Name and location of the court where the motion or petition was filed:

Superior Court of New Jersey, Law Division, Union County
2 Broad Street, Elizabeth, New Jersey 07207

Docket or case number (if you know): 97-02-123

Date of the court's decision: January 27, 2012

Result (attach a copy of the court's opinion or order, if available): **Denied** A copy of the order denying petition for post-conviction relief is attached hereto as **Appendix "A"**

- (3) Did you receive a hearing on your motion or petition? ☐ Yes ☒ No
- (4) Did you appeal from the denial of your motion or petition? ☒ Yes ☐ No
- (5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☒ Yes ☐ No
- (6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Superior Court of New Jersey - Appellate Division

Docket or case number (if you know): A-3222-11T1

Date of the court's decision: August 01, 2014

Result (attach a copy of the court's opinion or order, if available): **Denied**. A copy of the Appellate Division's opinion is attached hereto as **Appendix "B"**

- (7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you :
have used to exhaust your state remedies on Ground Two
All issues were fully exhausted on Petition for Post-Conviction Relief, Direct Appeal PCR and the Supreme Court of New Jersey.

GROUND THREE:

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

PLEASE SEE ATTACHED ADDENDUM

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(b) If you did not exhaust your state remedies on Ground Three, explain why:

(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☒ No

(2) If you did not raise this issue in your direct appeal, explain why:
Issue was not suitable for Direct Appeal, only for Petition for Post-Conviction Relief.

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Petition for Post-Conviction Relief

Name and location of the court where the motion or petition was filed:
Superior Court of New Jersey , Law Division, Union County
2 Broad Street, Elizabeth, New Jersey 07207

Docket or case number (if you know): 97-02-123

Date of the court's decision: January 27, 2012

Result (attach a copy of the court's opinion or order, if available): Denied . A copy of the order denying petition for post-conviction relief is attached hereto as **Appendix "A"**

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition? ☒ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☒ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:
Superior Court of New Jersey - Appellate Division

Docket or case number (if you know): A-3222-11T1

Date of the court's decision: August 01, 2014

Result (attach a copy of the court's opinion or order, if available): Denied A copy of the Appellate Division's opinion is attached hereto as **Appendix "B"**

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three:
- Issues were fully exhausted on Petition for Post-Conviction Relief, Direct Appeal PCR and the Supreme Court of New Jersey.

GROUND FOUR:

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

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- (b) If you did not exhaust your state remedies on Ground Four, explain why:

- (c) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☒ No

(2) If you did not raise this issue in your direct appeal, explain why:

Issue was not suitable for Direct Appeal, only for Petition for Post-Conviction Relief.

- (d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Petition for Post-Conviction Relief

Name and location of the court where the motion or petition was filed:

Superior Court of New Jersey, Law Division, Union County
2 Broad Street, Elizabeth, New Jersey 07207

Docket or case number (if you know): 97-02-123

Date of the court's decision: January 27, 2012

Result (attach a copy of the court's opinion or order, if available): Denied. A copy of the order denying petition for post-conviction relief is attached hereto as **Appendix "A"**

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition? ☒ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☒ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Superior Court of New Jersey - Appellate Division

Docket or case number (if you know): A-3222-11T1

Date of the court's decision: August 01, 2014

Result (attach a copy of the court's opinion or order, if available): Denied. A copy of the Appellate Division's opinion is attached hereto as **Appendix "B"**

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you

have used to exhaust your state remedies on Ground Four:

All issues were fully exhausted on Petition for Post-Conviction Relief, Direct Appeal PCR and the Supreme Court of New Jersey.

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground ~~Three~~ ^{Five}:

All issues were fully exhausted on Petition for Post-Conviction Relief, Direct Appeal PCR and the Supreme Court of New Jersey
~~GROUND FOUR~~ ^{five}

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

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- (b) If you did not exhaust your state remedies on Ground Four, explain why:

- (c) **Direct Appeal of Ground ~~Four~~ ^{Five}:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☒ No

(2) If you did not raise this issue in your direct appeal, explain why:

Issue was not suitable for Direct Appeal, only for Petition for Post-Conviction Relief.

- (d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: **Petition for Post-Conviction Relief**

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground ~~Three~~ ^{Six}:
- All issues were fully exhausted on Petition for Post-Conviction Relief, Direct Appeal PCR and the Supreme Court of New Jersey.

~~GROUND FOUR:~~ ^{Six:}

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

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- (b) If you did not exhaust your state remedies on Ground Four, explain why:

- (c) **Direct Appeal of Ground ~~Four~~ ^{Six}:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

- (d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: **Petition for Post-Conviction Relief.**

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Name and location of the court where the motion or petition was filed:

**Superior Court of New Jersey, Law Division, Union County
2 Broad Street, Elizabeth, New Jersey 07207**

Docket or case number (if you know): **97-02-123**

Date of the court's decision: **January 27, 2012**

Result (attach a copy of the court's opinion or order, if available): **Denied. A copy of the order denying petition for post-conviction relief is attached hereto as Appendix "A".**

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition? ☒ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☒ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Superior Court of New Jersey - Appellate Division

Docket or case number (if you know): **A-3222-11T1**

Date of the court's decision: **August 01, 2014**

Result (attach a copy of the court's opinion or order, if available): **Denied. A copy of the Appellate Division's opinion is attached hereto as Appendix "B"**

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground ~~Four~~ ^{Six}:

All issues were fully exhausted on petition for post-conviction relief, Direct Appeal PCR and the Supreme Court of New Jersey.

13. Please answer these additional questions about the petition you are filing:

- (a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? ☒ Yes ☐ No

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them:

- (b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

No

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? ☐ Yes ☒ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? ☒ Yes ☐ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. **Superior Court of New Jersey, Law Division, Union County - Ind. No. 97-02-123**

Motion to Correct an Illegal Sentence

Petitioner's de facto juvenile life sentence without the possibility of parole is unconstitutional pursuant to the Eighth Amendment and Miller v. Alabama, and is therefore an illegal sentence. The sentence imposed **(an aggregated 50 years with a 30 year parole ineligibility)** such sentence is defacto or virtual life without parole sentence according to the teachings in Miller for an alleged offense that occurred when petitioner was under the age of eighteen (18) years old.

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) **Juvenile Wavier hearing: Walter E. Florczak, Esq. 697 Prospect Avenue.**

(a) At preliminary hearing: **Newark, New Jersey 07104**

(b) At arraignment and plea: **Walter E. Florczak, Esq. 697 Prospect Avenue,
Newark, New Jersey 07104**

(c) At trial: **Walter E. Florczak, Esq. 697 Prospect Avenue, Newark, New Jersey
07104**

(d) At sentencing: **Walter E. Florczak, Esq. 697 Prospect Avenue, Newark, New
Jersey 07104**

(e) On appeal: **Paul Klein, Esq. Office of the Public Defender,
Appellate Section, 31 Clinton Street, 9th, P.O. Box 46003, Newark, New
Jersey 07101**

(f) In any post-conviction proceeding: **Craig S. Leeds, Esq. 1205 Anderson Avenue,
Suite 2, Fort Lee, New Jersey 07024**

(g) On appeal from any ruling against you in a post-conviction proceeding: **Kimmo H. Abbasi, Esq.
103 Godwin Avenue, PMB 235, Midland Park, New Jersey 07432**

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? ☐ Yes ☒ No

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed:

(c) Give the length of the other sentence:

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? ☐ Yes ☒ No

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.*

The Supreme Court of New Jersey denied petitioner's petition for certification on October 11, 2000. No petition for a writ of certiorari was filed and petitioner's judgment became final

on October 11, 2000. On May 01, 2001, petitioner filed a timely state petition for post-conviction relief. Proceeding on the post-conviction relief petition (including appeals) did not conclude until February 03, 2015. The present petition is being filed on March 13, 2015, well within the one-year limit.

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of -
 - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
 - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
 - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

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- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

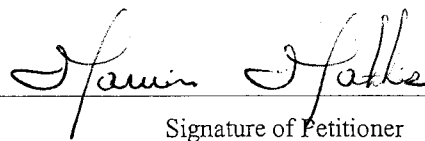
Therefore, petitioner asks that the Court grant the following relief: **Vacate all petitioner's convictions and give the state a specific time frame in which to retry him.**

or any other relief to which petitioner may be entitled.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on 3/13/15 (month, date, year).

Executed (signed) on 3/13/15 (date).


Signature of Petitioner

I declare (or certify, verify, or state) under penalty of perjury that I have been notified that I must include in this petition all the grounds for relief from the conviction or sentence that I challenge, and that I must state the facts that support each ground. I also understand that if I fail to set forth all the grounds in this petition, I may be barred from presenting additional grounds at a later date.

Executed (signed) on 3/13/15 (date)

Signature of Petitioner *D/ann D/athis*

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.